

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA.)	
)	
Plaintiff,)	
)	
vs.)	Case No. 20-cr-40063-SMY
)	
ROMELL C. STEVENS,)	
)	
Defendant.)	

ORDER

YANDLE, District Judge:

Now pending before the Court is Defendant Romell C. Stevens' Motion for Compassionate Release pursuant to 18 U.S.C. § 3582(c)(1)(A)(i). (Doc. 73).¹ For the following reasons, the motion is **DENIED**.

On November 10, 2021, Stevens was sentenced to 151 months imprisonment after pleading guilty to possession with intent to distribute methamphetamine (Doc. 56, 59). According to the Bureau of Prisons inmate locator, Stevens is currently housed at Butner Medium II FCI in Butner, North Carolina, and his projected release date is October 2, 2032. *See*, <https://www.bop.gov/inmateloc/> (last visited September 27, 2022).

As of September 27, 2022, Butner Medium II FCI has 0 inmates and 2 staff members with COVID-19. *See*, <https://www.bop.gov/coronavirus/> (last visited September 27, 2022). Since the beginning of the pandemic, Butner Medium II FCI has had 4 inmate deaths from COVID-19, and 340 inmates and 93 staff members have recovered from the virus. *Id.*

¹ Stevens filed what appears to be an identical motion in Docket Number 13-cr-30173. *United States of America v. Stevens*, Case No. 13-cr-30173-SMY (S.D.Ill. Aug. 22, 2022, Doc. 91).

Stevens is 59 years old and asserts that he has conditions that increase his risk of severe illness or death if he were to contract COVID-19, including a previous kidney failure, diabetes, severe hypertension, obesity, Hepatitis C, and mental health concerns (Doc. 73, pp. 6-13). Stevens further asserts that he has contracted COVID-19 twice and that both instances warranted hospitalization (Doc. 73, p. 12). According to Stevens's annexed vaccination record card, he is vaccinated against the virus, having received a dose of the Johnson and Johnson Vaccine on June 17, 2021 and a booster dose on December 14, 2021 (Doc. 73, p. 28).

Section 603 (b)(1) of the First Step Act permits the Court to reduce a term of imprisonment upon motion of either the Director of the Bureau of Prisons ("BOP") or a defendant for "extraordinary or compelling reasons" so long as the reduction is "consistent with applicable policy statements issued by the Sentencing Commission." 18 U.S.C. § 3562(c)(1)(A)(i). "For the many prisoners who seek release based on the special risks created by COVID19 for people living in close quarters, vaccines offer relief far more effective than a judicial order." *United States v. Broadfield*, 5 F.4th 801, 803 (7th Cir. 2021). Thus, unless a prisoner can prove that he is "unable to receive or benefit from a vaccine," the widespread availability of COVID-19 vaccination prevents the risk of the virus from being an "extraordinary and compelling reason for immediate release." *Id.* (See also, *United States v. Ugbah*, 4 F.4th 595 (7th Cir. 2021)).

While Stevens alleges that he is at an increased risk of contracting COVID-19 due to various factors, he does not claim or demonstrate that he is unable to benefit from the vaccination and booster he has received. As such, he has not established that he is at a higher risk for severe illness or death from the virus in prison than he would be if he were to be released. See, *United States v. Barbee*, 25 F.4th 531, 533 (7th Cir. 2022); *United States v. Clinton*, 22-1005, 2022 WL 2298178, at *1 (7th Cir. June 27, 2022).

For the foregoing reasons, Defendant's Motion for Compassionate Release pursuant to 18 U.S.C. §3582(c)(1)(A)(i) (Doc. 73) is **DENIED**.

IT IS SO ORDERED.

DATED: September 27, 2022



STACI M. YANDLE
United States District Judge